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Friday
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Part V

Department of Education

Transfer and Redesignation of ED Regulations; Final Rule

DEPARTMENT OF EDUCATION

24 CFR Ch. II

34 CFR Subtitles A and B

45 CFR Chs. I, XIV, and XV

Transfer and Redesignation of ED Regulations

AGENCY: Department of Education.

ACTION: Final rule.

SUMMARY: The Department of Education Organization Act (Pub. L. 96-88, enacted October 17, 1979) established the Department of Education (ED) as a new executive department. Certain ED regulations were recodified in Title 34 of the Code of Federal Regulations (CFR) effective May 4, 1980, concurrently with the formal organization of ED.

This publication transfers to Title 34 and redesignates certain regulations of the former Department of Health, Education, and Welfare and one regulation of the Department of Housing and Urban Development. These regulations apply to ED and will be published in Title 34 after the effective date of this document.

EFFECTIVE DATE: This regulation is effective November 21, 1980.

ADDRESS: Department of Education, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth C. Depew, Department of Education, 400 Maryland Ave. S.W. (Room 2134, FOB-6), Washington, D.C. 20202, Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: The organization of Title 34 was published on May 9, 1980 (45 FR 30802) as follows:

Title 34—Education

Subtitle A—Office of the Secretary, Department of Education (Parts 1-99).

Subtitle B—Regulations of the Offices of the Department of Education.

Chapter I—Office for Civil Rights (Parts 100-199).

Chapter II—Office of Elementary and Secondary Education (Parts 200-299).

Chapter III—Office of Special Education and Rehabilitative Services (Parts 300-399).

Chapter IV—Office of Vocational and Adult Education (Parts 400-499).

Chapter V—Office of Bilingual Education and Minority Languages Affairs (Parts 500-599).

Chapter VI—Office of Postsecondary Education (Parts 600-699).

Chapter VII—Office of Educational Research and Improvement (Parts 700-799).

Chapter VIII—Office of Education for Overseas Dependents (Parts 800-899).

Regulations redesignated in this document have been placed within this organizational structure. As an aid to the reader, the part numbers that have been redesignated in this document and those that were republished on May 9, 1980 at 45 FR 30802 are listed sequentially by Title 34 chapter in an appendix following the redesignation.

It has been determined that publication of this rule as a proposal for public comment is unnecessary since it is solely a redesignation of existing regulations. These regulations apply to ED as a matter of law under Section 505(a) of the Department of Education Organization Act.

Nomenclature changes in these regulations are necessary and will be published separately from this redesignation and transfer.

Regulations Not To Be Redesignated

ED has provided certain administrative services for the Health Education Assistance Loan (HEAL) program, 45 CFR Part 126, under an interim interdepartmental agreement between ED and the Department of Health and Human Services. The HEAL regulations are not transferred and redesignated in this document.

(Department of Education Organization Act, Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668 (20 U.S.C. 3401 *et seq.*))

Dated: November 14, 1980.

Shirley M. Hufstedler,

Secretary of Education.

Redesignation of Regulations

Accordingly, existing regulations of the Department of Education in 45 CFR and 24 CFR are redesignated and transferred to Title 34 of the CFR as follows:

Old part number and title of regulation—45 CFR Part	New part number—34 CFR Part
100a Direct project grant and contract programs	75
100b State-administered programs	76
100c General	77
100d Education Appeal Board	78
101 Grants to land grant colleges and universities	621
104 State vocational education programs	400
105.1-105.507 (Appendices A, B) Commissioner's discretionary programs of vocational education	408
105.601-105.607 Bilingual vocational training program	525
105.611-105.617 Bilingual vocational instructor traning program	526
105.621-105.627 Bilingual vocational instructional materials, methods, and techniques program	527
111 Hearings in connection with school construction and financial assistance in federally impacted areas	218
112 School construction assistance in cases of certain disasters	219
113 Assistance for current school expenditures in cases of certain disasters	220
114 Assistance for school construction in areas affected by Federal activities	221
115 Assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education	222
116 Financial assistance to local educational agencies and state agencies to meet the special educational needs of educationally deprived, handicapped, migrant, and neglected and delinquent children—general provisions	200
116a Financial assistance to local educational agencies to meet the special educational needs of educationally deprived and neglected and delinquent children	201
116b State operated programs for handicapped children	302
116c Grants to State agencies for programs to meet the special educational needs of children in institutions for neglected or delinquent children	203
116d Grants to State educational agencies to meet the special educational needs of migratory children	204
119 Strengthening State educational agency management	208
120 Administration of education programs and duties of the State educational agency	209
121a Assistance to States for education of handicapped children	300
121b Regional resource centers	305
121c Centers and services for deaf-blind children	307
121d Early education for handicapped children	309
121e Auxiliary activities	315
121f Training personnel for the education of the handicapped	318
121g Recruitment of personnel and dissemination of information	320
121h Research in education of the handicapped	324
121k Regional education programs for handicapped persons	338
121m Incentive grants	301
121o Captioned films loan service for the deaf program	330
121p Educational media loan service for the handicapped program	331
121q Educational media research, production, distribution, and training	332
121r Centers for educational media and materials for the handicapped program	333
122a Indochina refugee children assistance	537
123 Bilingual education: General provisions	500
123a Bilingual education: Basic projects	501
123b Bilingual education: Demonstration projects	502
123c Bilingual education: State educational agency projects for coordinating technical assistance	503
123d Bilingual education: Support services projects	504
123e Bilingual education: Training projects	510
123f Bilingual education: School of education projects	514
123g Bilingual education: Desegregation support program	520
123h Bilingual education: Fellowship program	515
123i Bilingual education: Materials development projects	505
130 Library services, public library construction, and inter-library cooperation	770
131 College library resources program	773
132 Grants for training in librarianship	776
133 Library research and demonstration	777
134 Grants to State educational agencies for educational improvement, resources, and support	774
136 Strengthening research library resources	778
137 Educational information centers program	606
146 Modern foreign language and area studies	655
146a Citizen education for cultural understanding program	667
147 Procedures and criteria for resolving questions involving moral character or loyalty of applicants for and holders of NDEA Fellowships	Removed
148 Higher education programs in modern foreign language training and area studies	662

Old part number and title of regulation—45 CFR Part	New part number—34 CFR Part
149 Commissioner's recognition procedures for national accrediting bodies and State agencies	603
150 Law school clinical experience program	639
151 Territorial teacher training assistance program	790
153 Noncommercial educational broadcasting facilities program	Removed
154 Educational opportunity centers	644
155 Upward bound program	645
157 Special services for disadvantaged students program	646
158 Follow through program	215
159 Talent search program	643
160f Women's Educational Equity Act program	745
161 Career education, State allotment program	295
161a Career education, discretionary programs	296
161b Metric education program	752
161c Arts education program	753
161e Consumers' education program	755
161f Youth employment program	419
161g Law-related education	757
161h Financial assistance for environmental education projects	758
161i Biomedical sciences program	647
161m Population education program	763
162 Basic skills improvement and educational proficiency	765
162a National basic skills improvement	766
162b State basic skills improvement	767
162c Educational proficiency	768
163 Community schools and comprehensive community education program	440
163a Community education—State program	441
163b Community education—grants to local educational agencies	442
163c Community education—grants to public agencies and nonprofit private corporations	443
163d Community education—training grants to institutions of higher education	444
164 Capacity-building for statistical activities in State educational agencies	726
166 Adult education State programs—general provisions	425
166a State administered adult education programs	426
166b National adult education development and dissemination program and planning grants	431
166c Adult education programs for immigrants and Indochina refugees	432
168 General provisions relating to student assistance programs	668
169 Strengthening developing institutions program	624
170 Financial assistance for construction, reconstruction, or renovation of higher education facilities	617
172 Teacher Corps	793
173 Community service and continuing education programs	610
174 National direct student loan program	674
175 College work-study and job location and development program	675
176 Supplemental educational opportunity grant program	676
177 Guaranteed student loan program	682
178 Student consumer information services	686
178a Incentive grants for State student financial assistance training program	695
179 Graduate and professional study fellowships and institutional grants	648
180 Desegregation of public education	270
182 Cooperative education programs	631
182a National alcohol and drug abuse prevention program	740
184 Ethnic heritage studies program	769
185 Emergency school aid	280
186 Indian Education Act—General provisions	250
186a Entitlement grants—Local educational agencies and tribal schools	251
186b Indian-controlled schools—Establishment	252
186c Indian-controlled schools—Enrichment projects	253
186d Demonstration projects—Local educational agencies	254
186e Educational services for Indian children	255
186f Planning, pilot, and demonstration projects for Indian children	256
186g Educational personnel development	257
186h Educational services for Indian adults	258
186i Planning, pilot, and demonstration projects for Indian adults	259
186j Adult education research and development projects	260
186k Adult education surveys	261
186l Adult education dissemination and evaluation projects	262
187 Indian fellowship program	263
189 Veterans' cost-of-instruction payments to institutions of higher education	629
190 Basic educational opportunity grant program	690
191 Guidance and counseling	211
192 State student incentive grant program	692
193 National diffusion network program	796
194 Public service education program	649
195 Gifted and talented children's education program: General	345
195a Gifted and talented children's education: State-administered program	346
195b Gifted and talented children's education program: Discretionary grant program	347
196 Domestic mining and mineral and mineral fuel conservation fellowships	650
197 Teacher centers program	240
198 Training for higher education personnel	241
199a State postsecondary education commissions program-intrastate planning	605
1361 The State vocational rehabilitation program	361
1362 Project grants and other assistance in vocational rehabilitation	362
1369 Vending facility program for the blind on Federal and other property	369
1370 Evaluation standards	370
1400 General	700
1403 Eligibility and application for research grant assistance	701
1410 Miscellaneous requirements	702
1430 Experimental program for opportunities in advanced study and research in education	703
1440 Government in the Sunshine Act regulations	705
1450 Research grants program	708
1451 Basic skills research grants program	710
1460 State dissemination grants program	795
1470 Education and work grants program	714
1480 Program of research grants on organizational processes in education	716
1490 Education equity research grants program	718
1495 Law and government studies in education	720
1501 Support for improvement of postsecondary education	730

24 CFR Part	
279 College housing programs administered by the Department of Education	614

Appendix A—Title 34 Part Numbers in Consecutive Order

Editorial Note.—The following appendix will not appear in the Code of Federal Regulations.

Title 34.—*Subtitle A—Office of the Secretary, Department of Education*

Old part number and title—45 CFR Part	New part number—34 CFR Part
4 Service of Process	4
5 Availability of information to the public pursuant to Public Law 90-23	5
5b Privacy Act regulations	5b
6 Inventions and patents (general)	6
7 Employee inventions	7
8 Inventions resulting from research grants, fellowship awards, and contracts for research	8

Title 34.—*Subtitle A—Office of the Secretary, Department of Education*—Continued

Old part number and title—45 CFR Part	New part number—34 CFR Part
10 Departmental Fellowship Review Panel	10
11 Committee Management	11
12 Disposal and utilization of surplus real property for educational purposes	12
15 Relocation assistance and real property acquisition policies	15
17 Release of adverse information to news media	17
30 Claims collection	30
35 Tort claims against the Government	35
50 U.S. exchange visitor program—request for waiver of the two-year foreign residence requirement	50
63 Telecommunications Demonstration Program	63
64 Museum Services Program	64
67 Student Loan Marketing Association—Issuance and Transfer of Common Stock	67
73 Standards of Conduct	73
74 Administration of Grants	74
100a Direct grant programs	75
100b State-administered programs	76
100c General	77
100d Education Appeal Board	78
99 Privacy rights of parents and students	99

Subtitle B.—*Regulations of the Offices of the Department of Education*

Old part number and title—45 CFR Part	New part number—34 CFR Part
Chapter I—Office for Civil Rights (Parts 100–199)	
80 Nondiscrimination under programs receiving Federal assistance through the Department of Education effectuation of Title VI of the Civil Rights Act of 1964	100
81 Practice and procedure for hearings under Part 80 of this Title	101
84 Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance	104
86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance	106
Chapter II—Office of Elementary and Secondary Education (Parts 200–299)	
116 Financial assistance to local educational agencies and State agencies to meet the special educational needs of educationally deprived, handicapped, migrant, and neglected and delinquent children—general provisions	200
116a Financial assistance to local educational agencies to meet the special educational needs of educationally deprived and neglected and delinquent children	201
116c Grants to State agencies for programs to meet the special educational needs of children in institutions for neglected or delinquent children	203
116d Grants to State educational agencies to meet the special educational needs of migratory children	204
119 Strengthening State educational agency management	208
120 Administration of education programs and duties of the State educational agency	209
191 Guidance and counseling	211
158 Follow Through Program	215
111 Hearings in connection with school construction and financial assistance in federally impacted areas	218
112 School construction assistance in cases of certain disasters	219
113 Assistance for current school expenditures in cases of certain disasters	220
114 Assistance for school construction in areas affected by Federal activities	221
115 Assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education	222

Subtitle B.—*Regulations of the Offices of the Department of Education*—Continued

Old part number and title—45 CFR Part	New part number—34 CFR Part
197 Teacher centers program	240
198 Training for higher education personnel	241
186 Indian Education Act—General provisions	250
186a Entitlement grants—Local educational agencies and tribal schools	251
186b Indian-controlled schools—Establishment	252
186c Indian-controlled schools—Enrichment projects	253
186d Demonstration projects—Local educational agencies	254
186e Educational services for Indian children	255
186f Planning, pilot, and demonstration projects for Indian children	256
186g Educational personnel development	257
186h Educational services for Indian adults	258
186i Planning, pilot, and demonstration projects for Indian adults	259
186j Adult education research and development projects	260
186k Adult education surveys	261
186l Adult education dissemination and evaluation projects	262
187 Indian fellowship program	263
180 Desegregation of public education	270
185 Emergency school aid	280
161 Career education, State allotment program	295
161a Career education, discretionary programs	296
Chapter III—Office of Special Education and Rehabilitative Services (Part 300–399)	
121a Assistance to States for education of handicapped children	300
121m Incentive grants	301
116b State operated programs for handicapped children	302
121b Regional resource centers	305
121c Centers and services for deaf-blind children	307
121d Early education for handicapped children	309
121e Auxiliary activities	315
121f Training personnel for the education of the handicapped	318
121g Recruitment of personnel and dissemination of information	320
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121k Regional education programs for handicapped persons	338
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195 Gifted and talented children's education program: General	345
195a Gifted and talented children's education: State-administered program	346
195b Gifted and talented children's education program: Discretionary grant program	347
1361 The State vocational rehabilitation program	361
1362 Project grants and other assistance in vocational rehabilitation	362
1369 Vending facility program for the blind on Federal and other property	369
1370 Evaluation standards	370
Chapter IV—Office of Vocational and Adult Education (Part 400–499)	
104 State vocational education programs	400
105.1–105.507 (Appendices A, B) Commissioner's discretionary programs of vocational education	408
161f Youth employment program	419
166 Adult education State programs—General provisions	425
166a State administered adult education programs	426
166b National adult education development and dissemination program and planning grants	431
166c Adult education programs for immigrants and Indochina refugees	432
163 Community schools and comprehensive community education program	440
163a Community education—State program	441

Subtitle B.—*Regulations of the Offices of the Department of Education*—Continued

Old part number and title—45 CFR Part	New part number—34 CFR Part
163b Community education—Grants to local educational agencies	442
163c Community education—Grants to public agencies and nonprofit private corporations	443
163d Community education—Training grants to institutions of higher education	444
Chapter V—Office of Bilingual Education and Minority Languages Affairs (Parts 500–599)	
123 Bilingual education: General Provisions	500
123a Bilingual education: Basic projects	501
123b Bilingual education: Demonstration projects	502
123c Bilingual education: State educational agency projects for coordinating technical assistance	503
123d Bilingual education: Support services projects	504
123i Bilingual education: Materials development projects	505
123e Bilingual education: Training projects	510
123f Bilingual education: School of education projects	514
123h Bilingual education: Fellowship program	515
123g Bilingual education: Desegregation support program	520
105.601–105.607 Bilingual vocational training program	525
105.611–105.617 Bilingual vocational instructor training program	526
105.621–105.127 Bilingual vocational instructional materials, methods, and techniques program	527
122a Indochina refugee children assistance	537
Chapter VI—Office of Postsecondary Education (Parts 600–699)	
149 Commissioner's recognition procedures for national accrediting bodies and State agencies	603
199a State postsecondary education commissions program—intrastate planning	605
137 Educational information centers program	606
173 Community service and continuing education programs	610
279* College housing programs administered by the Department of Education	614
170 Financial assistance for construction, reconstruction, or renovation of higher education facilities	617
101 Grants to land grant colleges and universities	621
169 Strengthening developing institutions program	624
189 Veterans' cost-of-instruction payments to institutions of higher education	629
182 Cooperative education programs	631
150 Law school clinical experience program	639
159 Talent search program	643
154 Educational opportunity centers	644
155 Upward bound program	645
157 Special services for disadvantaged students program	646
161l Biomedical sciences program	647
179 Graduate and professional study fellowships and institutional grants	648
194 Public service education program	649
196 Domestic mining and mineral and mineral fuel conservation fellowships	650
146 Modern foreign language and area studies	655
148 Higher education programs in modern foreign language training and area studies	662
146a Citizen education for cultural understanding program	667
168 General provisions relating to student assistance programs	668
174 National direct student loan program	674
175 College work-study and job location and development program	675
176 Supplemental educational opportunity grant program	676
177 Guaranteed student loan program	682
178 Student consumer information services	686
190 Basic educational opportunity grant program	690
192 State student incentive grant program	692
178a Incentive grants for State student financial assistance training program	695

Subtitle B.—*Regulations of the Offices of the Department of Education*—Continued

Old part number and title—45 CFR Part	New part number—34 CFR Part
Chapter VII—Office of Educational Research and Improvement (Parts 700–799)	
1400 General	700
1403 Eligibility and application for research grant assistance	701
1410 Miscellaneous requirements	702
1430 Experimental program for opportunities in advanced study and research in education	703
1440 Government in the Sunshine Act regulations	705
1450 Research grants program	708
1451 Basic skills research grants program	710
1470 Education and work grants program	714
1480 Program of research grants on organizational processes in education	716
1490 Education equity research grants programs	718
1495 Law and government studies in education	720
164 Capacity-building for statistical activities in State educational agencies	726
1501 Support for improvement of postsecondary education	730
182a National alcohol and drug abuse prevention program	740
160f Women's Educational Equity Act program	745
161b Metric education program	752
161c Arts education program	753
161e Consumers' education program	755
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162 Basic skills improvement and educational proficiency	765
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130 Library services, public library construction, and interlibrary cooperation	770
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134 Grants to State educational agencies for educational improvement, resources, and support	774
132 Grants for training in librarianship	776
133 Library research and demonstration	777
136 Strengthening research library resources	778
151 Territorial teacher training assistance program	790
172 Teacher corps	793
1460 State dissemination grants program	795
193 National diffusion network program	796

*24 CFR Part number.

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